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MAY 26 2009

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WESTERN DISTRICT OF LOUISIANA
LAFAYETTE, LOUISIANA

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION

UNITED STATES OF AMERICA

CRIMINAL ACTION NO. 00-20049-011

VERSUS

JUDGE DOHERTY

JOHN BENJAMIN HALEY

MAGISTRATE JUDGE HILL

MEMORANDUM RULING

Pending before the Court is the "Motion to Reconsider Sentence" [Doc. 711] filed by defendant John Benjamin Haley. In the motion, Mr. Haley requests that this Court reconsider the 216-month sentence imposed on June 26, 2001 [Doc. 394] on grounds the petitioner believes this Court did not intend to sentence the defendant to "the harshest sentence of his co-defendants." Petitioner also avers he has three children who need their father and a grandmother who has health problems. Additionally, petitioner contends he is currently serving a 15-year state sentence and has not even begun to serve the sentence he received in federal Court.

The record shows petitioner filed a Motion to Vacate, Set Aside or Correct Sentence Under 28 U.S.C. §2255, which was denied and dismissed on March 8, 2005 [Doc. 638]. Mr. Haley sought a certificate of appealability with respect to that dismissal, which was denied by this Court [Doc. 645]. Mr. Haley appealed this Court's denial of a certificate of appealability to the Fifth Circuit, which also denied Mr. Haley's request for a certificate of appealability [Doc. 652].

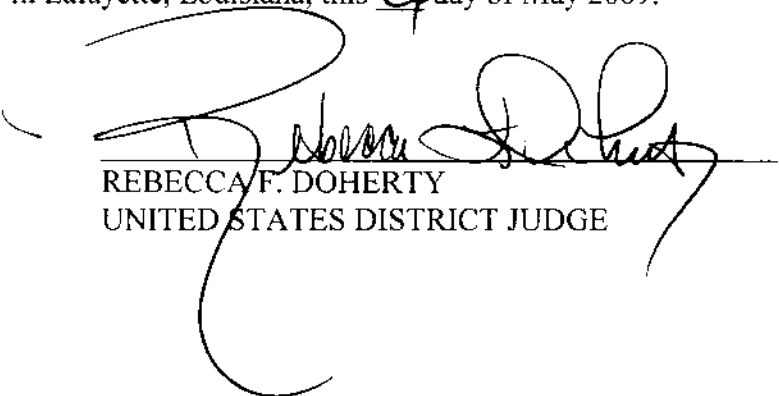
The record of this matter shows the Federal Public Defender is currently representing Mr. Haley in connection with his Motion to Reduce Sentence pursuant to the amended crack guidelines [Doc. 708]. That matter is currently under review and is awaiting a recommendation from the Office

of Probation as to whether Mr. Haley qualifies for a reduced sentence under the amended crack cocaine sentencing guidelines. Although the instant motion was also referred to the Federal Public Defender to take whatever action it deemed appropriate, the Federal Public Defender has informed this Court it expects to take no action with respect to the instant motion.

Review of the instant motion shows it is not well-grounded in law, and the petitioner sets forth no legal basis for relief, or evidence or argument showing he is otherwise entitled to a reduced sentence. Considering the foregoing,

IT IS ORDERED that the "Motion to Reconsider Sentence" [Doc. 711] is DENIED.

THUS DONE AND SIGNED in Lafayette, Louisiana, this 24 day of May 2009.



REBECCA F. DOHERTY
UNITED STATES DISTRICT JUDGE